

COMMONWEALTH of VIRGINIA

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Board of Veterinary Medicine

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November 1, 2001

C. Nick Elam, Jr., D.V.M.
Elam Animal Hospital
1403 Anderson Highway
Powhatan, Virginia 23139

RE: NOTICE OF INFORMAL CONFERENCE
Case No.: 80017

Dear Dr. Elam:

This letter is official notification that an Informal Conference will be held before a Special Conference Committee of the Board of Veterinary Medicine on December 3, 2001 at 9:00 a.m., at the Department of Health Professions, 6606 W. Broad St., 5th Floor, Richmond, Virginia, Conference Room 4. I enclose directions for your reference.

The conference will be conducted pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), and is being held to review allegations that you may have violated certain laws and regulations governing the practice of veterinary medicine in the Commonwealth of Virginia. Specifically, you may have violated § 54.1-3807(5) of the Code, and 18 VAC 150-20-140(6) and (7) of the Regulations of the Board of Veterinary Medicine, in that while Veterinarian-In-Charge of Elam Animal Hospital, Powhatan, Virginia, you engaged in unprofessional conduct and provided substandard care to your patients. Specifically:

1. You performed medical tests and procedures, some unnecessary, on your patient "Tor," a canine owned by Client A, without obtaining the client's authorization and discussing additional charges. Further, you failed to appropriately diagnose "Tor," and you failed to maintain adequate and complete patient records for him. Specifically:

- a. On or about September 18, 2000, Client A presented “Tor” to you with symptoms of weakness in his hind legs. “Tor’s” electronic patient history record reflects that you prescribed Cosequin DS #120 and Rimadyl 75mg. However, you failed to document any information, to include examination findings, diagnosis and treatment plan, in the patient record for that date.
 - b. On or about November 6, 2000, Client A again presented “Tor” to you with symptoms of not walking, loss of bladder and bowel function, and anorexia. You diagnosed a possible clostridium infection, which you suspected because “Tor was brought in with a PVC [*sic*] of 61%.” In fact, Client A had provided to you a blood chemistry analysis performed on “Tor” on November 4, 2000, by another facility not associated with your practice, which reported a PCV of 34%. Additionally, “Tor” was not exhibiting vomiting or diarrhea, two of the symptoms of clostridium infection.
 - c. You performed or had performed numerous tests on “Tor,” some unnecessary, without Client A’s authorization in that Client A discussed euthanizing “Tor” with you upon his admission on November 6, 2000. Additionally, when Client A noted “Tor’s” condition was deteriorating on November 7, 2000, she told you she did not want to keep “Tor” alive if he was not going to get better. You denied that Client A ever mentioned euthanasia to you and stated that you provided “only minimal diagnostic testing and treatment to stabilize “Tor.” In fact, billing records indicate you performed internal parasite examinations on November 6 and 7, 2000; complete blood counts on November 6 and 7, 2000, and two (2) blood chemistries on November 7, 2000 additional to the one performed on November 4, 2000 by another veterinarian, before “Tor” expired on November 7, 2000.
2. You performed unnecessary medical tests on your patient “Christmas Pie,” a feline owned by Client A. Further, you failed to adequately diagnose “Christmas Pie” and failed to maintain accurate patient records for her. Specifically
- a. On or about December 22, 1999, Client A presented “Christmas Pie” to you for teeth cleaning. Your records indicate that “Christmas Pie,” weighed 8.1 pounds, and you administered anesthetic according to that weight. Client A provided previous

and subsequent records indicating the weight of the cat has remained stable at approximately 6 pounds prior and subsequent to your December 22, 1999 treatment of her.

- b. Client A again presented “Christmas Pie” to you on or about July 31, 2000, with symptoms of frequency of urination and excessive thirst. At her request, you performed tests to determine whether the cat had decreased kidney function. Although you performed tests that you indicated ruled out anemia, you failed to adequately diagnose the cat’s condition or provide a treatment plan after performing additional tests. Further, you performed tests based upon your belief that “Christmas Pie” had lost two pounds since December 22, 1999, despite Client A’s assertion that the weight you recorded in December was incorrect.

The purpose of an informal conference is to allow the Special Conference Committee (“Committee”), which consists of not less than two members of the Virginia Board of Veterinary Medicine, to inquire into, and discuss with you personally, these allegations. After reviewing the alleged violations with you, the Committee will make a recommendation of appropriate action. The Committee is authorized to take the following actions:

1. The Committee may exonerate you;
2. The Committee may place you on probation with such terms as it may deem appropriate;
3. The Committee may reprimand you;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The Committee may refer the case to the Board of Veterinary Medicine or a panel thereof for a formal hearing. If the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee may offer you a consent order in lieu of a formal hearing.

You may be represented by an attorney at the informal conference if you desire. Should you fail to appear at the informal conference, the Committee may proceed in your absence and may take any of the actions outlined above. Please inform this office of your intention to appear at the informal

Notice of Informal Conference – C. Nick Elam, Jr. D.V.M
November 1, 2001
Page 4

conference at least ten (10) days prior to the scheduled date above. Also, please inform the Board of a telephone number where you may be reached.

You have the right to information that will be relied upon by the Board in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as the laws and regulations relating to the practice of veterinary medicine in Virginia that are cited in this notice.

If you have any additional documents to be presented on your behalf, please bring five (5) copies with you. If you have any questions, please do not hesitate to contact me at (804) 662-9915.

Sincerely,



Elizabeth A. Carter, Ph.D.
Executive Director
Virginia Board of Veterinary Medicine

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Enclosures:

- Board of Veterinary Medicine Statutes and Regulations
- APA Code Sections
- Special Conference Materials
- Client Identification Sheet
- Directions

pc: Members, Special Conference Committee
Kelli Moss, Senior Adjudication Analyst
John W. Hasty, Director, Department of Health Professions
Jennifer Challis, Senior Inspector (80017)

In order to protect the privacy of the individual referred to in this case, she has been referred to by letter and is identified as follows:

Client A: Suzanne Palmer